

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1 and 8-18 are pending in the present application, Claims 1 and 13 having been amended. Support for the amendments to Claims 1 and 13 is found, for example, in the specification at pages 49-52, and in Fig. 15. Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, Claims 1 and 8-18 were rejected under 35 U.S.C. §102(b) as anticipated by Nemirofsky et al. (WO 94/03995, herein Nemirofsky).

With respect to the rejection of Claim 1 as anticipated by Nemirofsky, Applicants respectfully submit that the amendment to Claim 1 overcomes this ground of rejection. Amended Claim 1 recites, *inter alia*, “wherein said center system comprises...a remote monitoring unit configured to determine whether any of the plurality of contents are displayed on the terminal apparatus.”

The outstanding Office Action equates the claimed “center system” to the uplink control system 4 in the distribution center shown in Fig. 1 of Nemirofsky.¹ Although the receiving site is coupled to distribution center via communication link 15 (*see* Fig. 1 of Nemirofsky), there is no description or suggestion that the uplink control system (or the distribution center) is configured to determine whether any of the plurality of contents are displayed on the terminal apparatus.

In view of the above-noted distinction, Applicants respectfully submit that Claim 1 (and Claims 8-12 dependent thereon) patentably distinguish over Nemirofsky. Although of a different statutory class, Applicants respectfully submit that Claim 13 includes subject matter similar to Claim 1. Thus, Applicants respectfully submit that Claim 13 (and Claims 14-18

¹ Office Action, page 3.

dependent thereon) patentably distinguishes over Nemirofsky, for at least the reasons state for Claim 1.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Surinder Sachar
Registration No. 34,423